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Security Council

Sixtieth year

Provisional

5109th meeting

Tuesday, 11 January 2005, 3.30 p.m.

New York

President:	Mr. Mayoral	(Argentina)
Members:	Algeria	Mr. Benmehidi
	Benin	Mr. Adechi
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Ms. Løj
	France	Mr. De La Sablière
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Baja
	Romania	Mr. Motoc
	Russian Federation	Mr. Denisov
	United Kingdom of Great Britain and Northern Ireland	Sir Emyr Jones Parry
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Danforth

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), and paragraph 17 of Security Council resolution 1574 (2004) (S/2005/10).

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05-20461 (E)

The meeting was called to order at 3.40 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004) and paragraph 17 of Security Council resolution 1574 (2004) (S/2005/10)

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation.

There being no objection, it is so decided.

I invite Mr. Pronk to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them photocopies of the report of the Secretary-General on the Sudan pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004) and paragraph 17 of Security Council resolution 1574 (2004). The report will be issued under the symbol S/2005/10.

At this meeting, the Security Council will hear a briefing by Mr. Jan Pronk, Special Representative of the Secretary-General for the Sudan and head of the peace support operation. I now give the floor to Mr. Pronk.

Mr. Pronk: The Council has before it the report on the month of December, which was drafted by us quite some time ago: it is now 11 January. I will try to concentrate in particular on an update in the light of developments, in particular since the end of the month.

Like some members of the Council, I flew straight to New York from Nairobi, where I participated in the signing ceremony of the comprehensive peace agreement between the Government of the Sudan and the Sudan People's Liberation Movement. That was a milestone. It heralds the definitive end of nearly four decades of brutal conflict. Hundreds of thousands of people have been killed. Four million have been uprooted and displaced. More than half a million have had to take refuge in neighbouring countries.

The people of the Sudan can be congratulated. The peace agreement is the result of political talks at the negotiation table. A war can be ended other than by winning and defeating the enemy. A war — a civil war also — can be ended by talking one's way out of it, by negotiating with former enemies and accommodating mutual concerns, by closing the book and by not focusing anymore on past divisions and past splits but on future diversity in unity and unity in diversity. That is what happened in Naivasha and was confirmed two days ago in Nairobi.

Of course, the agreement is not the end of everything. An agreement at the negotiation table marks the beginning of a long and arduous process of peacebuilding within society itself. There will be many stumbling blocks on the road ahead. Former combatants will have to be disarmed and demobilized. Displaced people and refugees will need to return and participate in the economy and in society, claiming a share in the resources, including land. Former battlefields will have to be demined so that there are no no-go areas in a time of peace. Other southern militant groups that did not participate in the peace talks will have to be incorporated in new structures that were created without them. And people's expectations concerning welfare, growth, education and other social and economic needs have to be met. All those tasks are as much a risk as they are a challenge. Failure may endanger stability and feed new conflicts.

Anyway, the first step has been taken and its importance cannot be overestimated. There is no room for cynicism. An end has come to the century's longest war in Africa, with the largest number of victims. Peace has been proclaimed, and now the Sudanese themselves, together with their partners in the international community, are going to make it work.

Can such a scenario also apply in Darfur? Yes, it can. It must. We can make it work. As a matter of fact, the question is two-fold: first, how would further fighting in Darfur impact the implementation of the north-south peace agreement, and, secondly, how can the achievement of peace between the northern and southern Sudan be used to improve the climate for talks to end civil war in Darfur?

The first question has already been answered by many members of the Security Council in their statements at the historic meeting of the Council in Nairobi in November last year. It is hard to imagine that the peace dividends promised by the Nairobi Agreement will be reaped without an end to the suffering in Darfur. International aid will not flow and, more importantly, in the Sudan itself the achievements will turn out to be vulnerable. As long as there is war in some part of the country, resources will be spent on weapons, not welfare; investors will be reluctant; entrepreneurs will hesitate; young people with brains and initiative will want to leave the country; displaced people will wander around.

Peace is indivisible in the Sudan as well, however large and diversified the country may be. Thus, after the conclusion and signing of the comprehensive peace agreement between north and south, there can be no question as to what the priority tasks for 2005 should be. The fighting in Darfur must be stopped, the conflict must be resolved and the people affected must be able to return to their homes.

At the beginning of this new year, the security situation in Darfur is still bad. The humanitarian situation is poor. Regarding humanitarian access, the picture is mixed. Politically, Darfur finds itself at a stalemate. Let me elaborate on each of those dimensions of the crisis.

On security, new problems came into focus in December. Violence, hitherto a source of fear on the fringes of centres for internally displaced persons and in conflict areas, is seeping into the camps themselves and directly affecting humanitarian workers. Some national staff members of non-governmental organizations have been abducted and are still missing; others are harassed. The internally displaced persons continue to suffer. Refugees are not returning in sufficient numbers to allow the planting of crops to sustain their families for the coming year. The restriction on freedom of movement is causing livestock to be lost on a huge scale.

The armed groups are rearming and the conflict is spreading outside Darfur. Large quantities of arms have been carried into Darfur in defiance of the Security Council decision taken in July. December saw a buildup of arms; attacks on positions, including air attacks; raids on small towns and villages; increased banditry and more looting. New rebel movements are emerging and launching attacks in the area of oil facilities in West Kordofan. We may move into a period of intense violence unless swift action is taken and new approaches are considered.

That is all the more necessary in the light of the poor humanitarian situation. The volume of assistance and access has expanded over the past six months, but the number of conflict-affected people has increased as well, leaving many still beyond the reach of assistance and, consequently, short of food, water, sanitation and shelter. The objective is to meet the international standards for humanitarian assistance per capita — say, for instance, around 2,000 calories per capita per day. In mid-2004, we were far below those standards. Towards the end of the year, we were close to meeting them for food, nutrition and health services, though not for water, sanitation or shelter.

At the same time, the total number of persons to be helped is still increasing, due to recent displacements following the fighting in November and December, and, as a result of the fighting, it is now even more difficult to reach them than before. The fighting now affects humanitarian work more frequently and more directly than bureaucratic restrictions ever did, with fatal, tragic consequences.

The road-clearing operation launched by the Government in December in order to make the roads safe for traffic, including commercial traffic, and the transport of fuel and food for the markets, as well as for humanitarian purposes, resulted at first not in more safety but in less. The looting and pillaging continued; banditry is on the increase; trucks have been stolen at gunpoint and some drivers killed.

Talks between the parties on Darfur have not yielded concrete results or much narrowing of the gap on the issues concerned. Despite regular statements to the contrary, the parties have yet to commit in practice to the implementation of the humanitarian ceasefire. The delay in reaching agreement between Khartoum

and the Sudan People's Liberation Movement has also produced a stalemate in the talks on Darfur. This applies both to the implementation of the Ndjamena ceasefire agreement and to the Abuja talks on the political dimension of the conflict.

This stalemate at the negotiating table has led to a worsening of the security situation on the ground, and that, in turn, has not contributed to the willingness of the parties to engage in a dialogue on the root causes of the conflict and on political objectives and reform. Standstill is regress and regress produces a vicious circle: meagre results at the negotiating table, no implementation, more insecurity, less willingness to talk, no results and so on.

From now on, that can change. It ought to change. Now that the bridge has been crossed in Nairobi, the road towards security and agreement in Darfur lies open. It is high time to take that road in earnest. Will that be done? In the long term, the signing of the north-south peace agreement offers opportunity for Darfur and will improve capacity to solve the conflict. However, I do not exclude the possibility that the signing of the Agreement will be followed in the short term by an intensification of violence in and around Darfur.

Why? Among those on the ground in Darfur responsible for the recent aggression, there are some who perceive the conclusion of North-South peace as providing cover for their actions, offering them a brief window of immunity from international criticism on their behaviour in Darfur. Government forces may be tempted to think that, after the signing of the north-south agreement, for which they have received much praise, the international community would not dare to put the implementation of that Agreement at risk. That could lead to the suggestion that now is the time to deliver a decisive blow to the enemy. In turn, the rebel movements may perceive the north-south agreement as an indication that they have been marginalized further or as proof that an intensification of military activities would be the only option for them to be taken seriously as a party in political talks.

Both perceptions would be false, both reactions dangerous. Both have to be countered by pressure, reason and the offering of an alternative. The comprehensive agreement will remove some of the stumbling blocks and pave the way for an approach that can help the parties to break through the vicious circle. The parties must be persuaded by a combination of pressure and assurances from influential Member States that it is truly in their interests to respect the ceasefire and to pursue a settlement through peaceful means.

Let me offer some suggestions for such an approach.

First, de-link the talks on the political future of Darfur from those concerning security and humanitarian access. Concentrate the Abuja talks on the future political configuration of Darfur, including questions relating to the sharing of power and wealth. Pursue those talks whether the ceasefire is kept or not, and concentrate the talks relating to security and humanitarian access in the AU Ceasefire Commission and in the Joint Commission.

Second, empower the Darfur ceasefire institutions in the same way as the north-south ceasefire institutions that resulted from the agreement in Nairobi. That means making the assessment of whether or not the ceasefire has been breached independent from the parties and enabling those institutions to make binding recommendations that should be implemented unconditionally.

Third, after Nairobi, both the Government and the rebel movements should exercise full restraint: no attacks, no retaliation. The Government should refrain not only from bombing — which it had already said it would do — but also from carrying out military flights over rebel-held positions. The Government should also refrain from further so-called road-clearing operations. In turn, the rebel movements should refrain from attacks on the police and on towns and infrastructure. The AU could assist by patrolling roads and clearing flights before they take off in the direction of rebel-held areas. That would result in both more protection and less suspicion.

Fourth, in order to show their good will, the Government and the rebel movements should all withdraw behind reasonable and well-defined lines, such as those that prevailed on 8 December, before the commencement of road-clearing operations by the Government. Each should give up the positions it has taken and declare that it will not occupy the positions given up by the other party. Thereafter, the AU could move in to protect the areas concerned. That would be the beginning of a demilitarization of parts of Darfur. The parties should also communicate full details of

their troop locations to the AU Ceasefire Commission and declare their willingness to agree on a plan of separation of forces, to be drawn up by the Commission.

Fifth, the parties must identify practical means to ensure that the basic survival needs of their forces are met, including food supplies for the combatants, without violating the ceasefire. That would stabilize the situation, diminish the urge to steal, loot and kill and make the rendering of relief assistance to people without weapons less dangerous than it has become during the past month.

Sixth, the Government should make a new start by disarming the Popular Defence Forces, as announced in August of last year. It should provide the names and numbers of those disarmed to the AU and store weapons in safe locations, with AU oversight.

Seventh, the rebel movements should commit themselves not to block or disrupt peaceful seasonal movements of nomadic tribes and their cattle. Such actions deprive tribes of their usual source of livelihood and provoke tribal militias into attacking the civilian population. The Government, in turn, should control and restrain those militias, either through force or through tribal reconciliation. In addition, joint action involving the Government, the Sudanese Liberation Army (SLA) and the African Union should be planned, in order to stop banditry and the bandits.

Eighth, the Government should make haste in arresting those responsible for major violations of human rights and crimes against international humanitarian law. It should do so whether those perpetrators are Janjaweed or not. The Government has often declared that that could not be done easily overnight. That is to be granted. However, it is not credible to wait half a year after the commitment made to the Secretary-General in the joint communiqué of early July. The Government would be wise not to wait for the publication of the report of the Commission of Inquiry, and to show that not only the international community but also the Government itself wants to seriously address crimes, maintain human rights and put an end to impunity.

Many of those eight steps require active and adequate third-party involvement to patrol roads — as I mentioned — clear flights and protect demilitarized areas. That third party is the African Union. The strengthening of the AU force on the ground has proved to be effective, not only in performing monitoring tasks but also, more importantly, in protecting the civilian population through a combination of deterrence, mediation and good offices. By its presence and its actions to mediate and forestall violent actions, the AU force, which is itself currently under threat of attack, has done more than any other outside agent to improve the security situation on the ground. The AU has not been able to put in as many forces as originally hoped, and they need help from the international community to make it happen. We need to do whatever is required to accelerate the rate of deployment and to ensure that we have more AU troops on the ground in order to guarantee the parties' commitment to agreements and to dissuade attacks.

In order to protect both people and their land, those third-party troops have to be everywhere that violence may erupt: in the locations that I mentioned earlier — demilitarized areas and unsafe roads — but also in and around all displaced people's camps, in all towns and villages under threat and in all areas where refugees and displaced persons would want to return. It is an enormous task, but the recent history of Darfur shows that without such an independent and neutral protection force, women and children, older persons, returnees and unarmed persons belonging to adversary tribes will not be safe.

In the longer term, security, safety, peace and stability should be home-grown and sustained without outside help. But it is clear that it will be quite some time before that is a reality. It will also require serious political talks between the Government and the rebel movements, more serious than have taken place thus far. They will have to agree on a declaration of principles that addresses the core issues of power and wealth-sharing. Moreover, it is time to prepare a national conference including all political opponents in order to reach a consensus about the modalities of a peaceful future for the country, thereby integrating the Darfur peace talks into the wider process of peacemaking in the Sudan and making peace in Darfur sustainable.

However, the Darfur talks themselves should not wait until such a national conference is feasible. On the contrary, although the current negotiating process between the Government and the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM) should proceed, it would be useful to start thinking about including tribal leaders in the

search for political solutions even before reconciliation has taken place. That may include tribes that have thus far been beyond the control of the Government or the rebel movements and that have been fighting to protect their own interests. Parallel to such broader talks, reconciliation efforts will have to be continued, broadened and intensified. The international community would also be wise to support those efforts, including with material assistance on an experimental basis, in order to make clear that home-grown reconciliation is valued, even if it takes place in a different way than it does elsewhere in the world. It is also clear that such reconciliation will have to include those who refused to take up arms and — last but not least — the victims of war and violence.

Can all this be done? The time is ripe to renew and redouble our efforts. The climate is improving. There is a north-south comprehensive peace agreement. We have witnessed positive reactions, both in Rumbek and in Khartoum. We are also seeing positive reactions among the people, in both the north and the south — albeit sometimes mixed with hesitation based on scepticism and earlier experience. We are seeing the parties exercise a certain restraint. Contrary to many people's expectations, the Sudan Liberation Army did not launch an attack on the day of the signing of the peace agreement. From Christmas to that particular day — Sunday — it was relatively calm in Darfur on all fronts. Last week, despite earlier breaches of the ceasefire, all parties declared that they would respect days of tranquillity to vaccinate all children in the Sudan under the age of five against polio. And this weekend, the Government declared that it would be willing to reconsider some of its previous hard-line positions, thereby reaching out to the rebel movements. Yesterday, the same Government followed this up by declaring, before the meeting of the African Union Peace and Security Council in Libreville, that it is willing to withdraw its force to the pre-8 December positions.

All of this is positive. It is not yet much; nor is it definitive. It could easily fade away. But it is a sign that it is justified to hope and expect that the spirit of Nairobi will affect Darfur. The political momentum is there. It is fragile; it could easily be spoiled. Taking advantage of that momentum requires innovative action, consensus among all international actors, steady cooperation, perseverance and a well defined common strategy.

The second stage of the war between the north and the south lasted two decades. Why should we allow the war in Darfur to last more than two years?

The President (*spoke in Spanish*): I thank Mr. Pronk for his comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I would like to invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 4.15 p.m.